



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Christine Lepera
A Professional Corporation
(917) 546-7703 Phone
(917) 546-7673 Fax
ctl@msk.com

May 8, 2020

VIA ECF

Hon. George B. Daniels, U.S.D.J.
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1310
New York, New York 10007

**Re: Hines v. EMI April Music Inc.. et al., Case No. 1:20-cv-03535-GBD
Notice of Related Case**

Dear Hon. Daniels:

We are counsel to defendants Shawn Carter and Timothy Mosley (“Defendants”), who were named as Defendants in the above action as well as in a case currently pending before Judge Oetken, captioned *Hines v. Roc-a-Fella Records, Inc.*, Case No. 19-CV-04587-JPO (the “Related Case”), along with other named defendants therein, Roc-A-Fella Records, LLC (sued incorrectly as Roc-A-Fella Records Inc.) (“Roc-A-Fella”) and Def Jam Recordings, a division of UMG Recordings, Inc. (sued incorrectly as Def Jam Recordings and Universal Music Group) (“Def Jam”) whom we represent in that Related Case.

The Related Case, which is before Judge Oetken, involves the exact same works, facts, and claims of purported copyright infringement presented in the above case. Plaintiff and his counsel failed to file a Related Case Statement form and accordingly we write pursuant to Local Civil Rule 1.6 to inform the Court of the directly Related Case and to seek reassignment of this case to Judge Oetken.

Defendants were dismissed in the Related Case because Plaintiff did not properly effect service on them, no less within the time limit of Fed. R. Civ. P. 4(m), and Judge Oetken denied Plaintiff leave to extend the time to serve Defendants because Plaintiff’s purported attempts demonstrated a complete lack of diligence. Notwithstanding, the case is still pending against the other defendants, including Roc-A-Fella and Def Jam. Judge Oetken provisionally dismissed the Plaintiff’s claims against Roc-A-Fella and Def Jam in the Related Case for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6), but with leave to file a second amended complaint conditioned on Plaintiff paying fees and costs associated with the 12(b)(6) motion, because Plaintiff had violated procedural rules and caused the waste of resources. A copy of that Order is attached hereto. Plaintiff has filed a motion for reconsideration of that Order, to which a response is being made, and it is pending in the Related Case.



Hon. George B. Daniels, U.S.D.J.
May 8, 2020
Page 2

Plaintiff's decision to file an identical case against two of the same parties while the Related Case is still pending, and not even designate the case as related, is yet another violation of applicable rules, requiring again the unnecessary expenditure of resources.

Respectfully,

/s/ Christine Lepera

Christine Lepera
A Professional Corporation of
MITCHELL SILBERBERG & KNUPP LLP

CTL/sml

cc:

Hon. J. Paul Oetken
Christopher Brown, counsel for Plaintiff